

RELEASE REPORTING REQUIREMENTS

The Oxnard Fire Department has become aware that there is a substantial need to provide businesses, subject to hazardous material releases, with a better understanding of the hazardous materials release reporting notification requirements. The following information is intended to help promote consistent release reporting to the Administering Agency (Certified Unified Program Agency), and the Office of Emergency Services (OES).



Who Reports a Hazardous Materials Release?

Health & Safety Code §25507 – The handler or any employee, authorized representative, agent, or designee of a handler shall, upon discovery, **immediately report any** release or *threatened release* of a hazardous material to the administering agency, and to the office, in accordance with the regulations adopted pursuant to Section 25503. Each handler and any employee, authorized representative, agent, or designee of a handler shall provide all state, city, or county fire or public health or safety personnel and emergency rescue personnel with access to the handler's facilities.



Title 19, California Code of Regulations, §2703 –

“Immediate Reporting of a Release or a Threatened Release”

A person shall provide an immediate, verbal report of any release or threatened release of a hazardous material to the administering agency (CUPA/AA) and OES, as soon as:

- ❖ A person has knowledge of the release or threatened release;
- ❖ Notification can be provided without impeding immediate control of the release or threatened release;
- ❖ Notification can be provided without impeding immediate emergency medical measures.

The immediate reporting requirements are not based on any quantity of material. They are based on the hazardous material's potential to cause harm to human health and safety, property, or the environment -- no matter what the quantity is.

The immediate reporting pursuant to subsection (a) of this section shall not be required if there is a **reasonable belief** that the release or threatened release poses **no significant** present or potential hazard to human health and safety, property, or the environment.

Why are threatened releases reportable? – To give the response agencies a preparatory heads up in case the immediate, emergency corrective action is insufficient or is taken too late. Additionally, it would enable the Fire/CUPA to monitor such releases and to promptly respond as necessary to protect public health and safety and the environment.

Examples of a Significant/Non-Significant Spills:

May be “Non-Significant”:

- ❖ During planned maintenance at a fixed facility, small puffs or drips are to be expected and would be considered “not significant,” and thus not reportable.
- ❖ If a small release of a relatively innocuous material is spilled within facility boundaries, and is contained and cleaned up in a short amount of time (e.g., one gallon spill of petroleum oil is spilled onto the concrete floor of a warehouse and is immediately contained and cleaned up within a few hours), it may be “not significant.”

May be “Significant”:

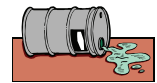
- ❖ Amount and type of material;
- ❖ Will the material escape from the property;
- ❖ Hazardous properties of the material; (continued other side)

ALL SPILLS SHOULD FIRST BE REPORTED to 911

Governor's Office of
Emergency Services (OES)

(800) 852-7550

The CUPA/AA has designated the call to the 911 emergency number as meeting the notification requirement to the local Administering Agency, per 19 CCR 2703(d).



TODOS DERRAMES DEBEN SER PRIMEROS REPORTADOS AL NUMERO 911

Oficina de Servicios
de Emergencia del
Gobernador (OES)

(800) 852-7550

La CUPA/AA a designado que la llamada al numero de emergencia 911 cumple con los requisitos de notificación a la Agencia Administrativa local, por 19 CCR 2703(d).

Oxnard Fire CUPA
251 South “C” Street
Oxnard, CA 93030

Telephone (805) 385-7710

FEDERAL REPORTING

If the release poses a significant threat to persons outside the facility, you must also report the incident under the Emergency Planning and Community Right to Know Act (EPCRA). **40 CFR 355.40** – is required if there is a release at a facility of a CERCLA Hazardous Substance > **RQ** [listed in §101(14)].

Reportable Quantities (RQs) for CERCLA HS are also listed in 40 CFR 302.4. RQs are listed in pounds, and any release amount must be calculated into pounds to determine if the RQ was exceeded.

In addition to state and local reporting requirements, there are also federal reporting requirements. Even if you have already reported a spill to OES and the CUPA/AA, you still have a legal obligation to notify the National Response Center (NRC) if the release is federally reportable.

Remember, there are no penalties for reporting a release – be it significant or not. It is the responsibility for the business to prove why the release is not considered to be significant. Because of this, it might be a good idea to have documentation filed for every release that occurs whether it's reportable or not. One never knows when it will come into question. On the other hand, if the spill is significant and there was no notification, then the business is liable and subject to administrative and criminal penalties.

DEFINITIONS

HSC 25501 (o) – “Hazardous material” means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. “Hazardous materials” include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

- ❖ The term **“Release”** means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, unless permitted or authorized by a regulatory agency [per HSC 25501 (s)].
- ❖ A **“Threatened Release”** means a condition creating a substantial probability of harm to the extent where it is *reasonably necessary to take immediate action* to prevent, reduce, or mitigate damages to persons, property, or the environment [per HSC 25501(v)]. A threatened release could be viewed as any situation in which a release of hazardous materials is likely to occur unless immediate, emergency corrective action is taken.

If in Doubt, Report It!



May be “Significant” (continued)

- ❖ Environmental media affected by or potentially affected by the release;
- ❖ If any part of the release leaves the facility's boundaries;
- ❖ If there are any illnesses, injuries, or fatalities;
- ❖ If any emergency plan/contingency plan/business plan is activated;
- ❖ If any emergency response personnel are called.

If the release poses a significant threat to persons outside the facility, you must also report the incident under the Emergency Planning and Community Right to Know Act (EPCRA). **40 CFR 355.40** – is required if there is a release at a facility of a CERCLA Hazardous Substance > **RQ** [listed in §101(14)].

Reportable Quantities (RQs) for CERCLA HS are also listed in 40 CFR 302.4. RQs are listed in pounds, and any release amount must be calculated into pounds to determine if the RQ was exceeded.

CITY OF OXNARD FIRE/CUPA TELEPHONE NUMBERS

Steve Mattern, CUPA Coordinator	385-8364
District 1, Greg Abille, Fire Environmental Specialist II	385-7730
District 2, Ines Gonzalez, Fire Environmental Specialist II	385-7657
District 3, Steve Elkinton, Fire Environmental Specialist II.....	385-8316
District 4, Kandace Peaslee, Fire Environmental Specialist I.....	385-7718
Permit Processing, Shane Bystrom, Fire Environmental Specialist I.....	247-8931
Darlene Duarte, Environmental Technician.....	385-7710
Oxnard Fire Department.....	385-7722
Licensing Services.....	385-7817
Permit Development Sevices	385-7896
Del Norte Regional Recycling & Transfer Station.....	278-8200
Oxnard Businesses Only - Hazardous Waste Round-ups	987-0717
Agricultural Department.....	933-8415

Office of Emergency Sevices:

Region 1	(310) 795-2901
<i>Reporting Hazardous Materials Release:</i>	
Business Hours	(916) 262-1621
After Hours	(800) 852-7550

California Environmental Protection Agency:

<i>Department Of Toxic Substance Control</i>	
Region 3, Glendale	(818) 551-2800
<i>Regional Water Quality Control Board</i>	
Region 4, Los Angeles	(323) 266-7500